

REMARKS/ARGUMENTS

In the Office action dated November 24, 2003, the Examiner rejected claims 1 and 2 under 35 U.S.C. § 112, 2d paragraph, alleging that the phrase “the peripheral device” lacked antecedent basis, however, the term “peripheral devices” is present in the preamble and provides proper antecedent basis for the term in the claim. To facilitate allowance of this case, however, claim 1 has been amended to provide an “a” preceding “peripheral” in the preamble, and “device” has been made singular in the preamble. The 35 U.S.C. § 112, 2d paragraph rejection should be withdrawn.

The Office action states (¶6) that claims 1-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U. S. Patent No. 6,587,129 B1 to Lavendel *et al.*, however, ¶9 states that claim 5 is allowed, and ¶10 states that claims are objected to.

In the Specification, no changes.

In the Claims, claim 1 has been amended to overcome a 35 U.S.C. § 112, 2d paragraph rejection. Claim 5 stands allowed. Arguments are presented towards the allowance of the remaining claims.

The Invention

The invention is a user interface which provides a peripheral option display directly and immediately upon selection of a peripheral device icon from a command bar on a screen display. As clearly set forth in the Specification, the usual procedure upon selection of a peripheral device icon is the immediate activation of the peripheral device without provision of a user interface. The peripheral option display of the invention allows the user to select, *e.g.*, number and selection of pages to be printed, single or duplex print, format, paper selection, *etc.* As explained

in the Specification, in order to invoke additional peripheral options, a user must go to the 'File' menu, select 'Print' or 'Print Setup' and then go to a 'Properties' dialog box - this includes at least four steps to reach the peripheral driver. The UI of the invention requires a single step.

Printing from an application with the UI of the invention invokes the following sequence: The user selects a peripheral icon from the application command bar, such as 'print'. The icon, rather than initiating the usual sequence, invokes the UI of the invention, which displays the peripheral option display of the invention, which may be the full peripheral driver.

In the course of an interview, conducted between the undersigned and the Examiner on July 31, 2003, the Examiner stated that if the claim language were amended to differentiate the dialog box of the application peripheral user interface from the claimed device-specific driver user interface, the claims would be distinguishable over the applied prior art. When asked if there were other art of which the Examiner were aware which would be used to reject such distinguishable claims, the Examiner stated that he was not aware of any such art. The claims language was so amended in the RCE, and this Office action followed.

The Applied Art

U. S. Patent No. 6,587,129 B1 To Lavendel *et al.*, which coincidentally identifies Examiner Luu as the Primary Examiner, describes a user interface for controlling an image acquisition device. The UI provides common control of common features of different image acquisition devices. Col. 1, lines 58-64. A property sheet is provided having plural property pages, col. 2, line 67 - col. 3, line 1. At least one property page has an interface for core image acquisition device, and at least one property page has an interface for device-dependent image acquisition, col. 3, lines 2-7. Thus, a user enters the control system through a property sheet,

which is equivalent to an application driver, in order to reach a property page, which may or may not be equivalent to a device-dependent driver.

The Claims

Claim 1 has been amended to emphasize that, upon selection of a peripheral device function, the peripheral-device-specific driver software is activated for use by the user. This differs from the applied art in that, although the applied art eventually gets to a device-specific driver property page, it must go through an application property sheet, which is presumably activated by an icon or a menu selection from the application in use. Specifically, claim 1 requires that a peripheral option display generated by the peripheral device's device-specific options driver software for presenting peripheral device-specific peripheral options to a user immediately following selection of the peripheral device from a command bar icon in an independent vendor's PC application, wherein said peripheral option display includes a peripheral device-specific user interface. The UI of the invention eliminates at least one step present in the applied reference when activating a peripheral device, and for that reason, the claim is allowable over the prior art of record.

Claim 2 is allowed, the 35 U.S.C. § 112, 2d paragraph rejection having been overcome.

Claim 3 has been amended along the lines of claim 1, again emphasizing that a peripheral options display generated by the peripheral device's device-specific driver software which automatically displays peripheral options in a peripheral option display including a peripheral device-specific user interface to a user immediately following selection of a peripheral device icon from a command bar in an independent vendor's PC application which includes aces to

a printer as a secondary function, wherein said peripheral options display includes a peripheral device-specific user interface. This requires few steps, and hence, less code, that does the invention of the applied reference. Claim 3 is allowable over the prior art of record.

Claim 4 is allowed, the 35 U.S.C. § 112, 2d paragraph rejection having been overcome.

Claim 5 was allowed in the Office action.

In light of the foregoing amendment and remarks, the Examiner is respectfully requested to reconsider the rejections and objections stated in the Office action, and pass the application to allowance. If the Examiner has any questions regarding the amendment or remarks, the Examiner is invited to contact the undersigned.

Provisional Request for Extension of time in Which to Respond

Should this response be deemed to be untimely, Applicants hereby request an extension of time under 37 C.F.R. § 1.136. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any over-payment to Account No. 22-0258.

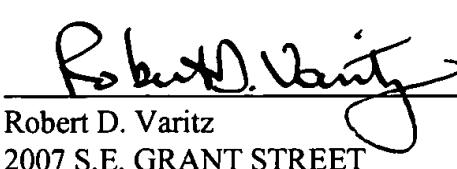
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Respectfully Submitted,

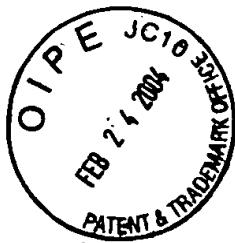
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ROBERT D. VARITZ, P.C.

Registration No: 31436
Telephone: 503-720-1983
Facsimile: 503-233-7730



Robert D. Varitz
2007 S.E. GRANT STREET
Portland, Oregon 97214



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I hereby certify that the attached RESPONSE TO OFFICE ACTION UNDER 37 C.F.R. § 1.111 is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to:

MS Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
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Robert D. Varitz
Robert D. Varitz